

Rule 3. Operation of Sewage Lines

170 IAC 8.5-3-1 Application for certificate of territorial authority

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 1. Whenever a sewage disposal company petitions for a CTA, either as an initial authority or as an expansion of its authorized territory, the sewage disposal company shall submit, where appropriate, the following exhibits:

(1) Required for initial applications only are the following:

(A) Articles of incorporation.

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- (B) A legal description of the petitioner's sewage disposal plant site.
 - (C) A ten-year feasibility study and pro forma financial statements, including the following:
 - (i) Proposed user rates.
 - (ii) Nonrecurring charges.
 - (D) A personal guarantee by a principal of the corporation for a period of five (5) years from the date a utility provides service to its first customer or receives its CTA, whichever is greater, accompanied by a personal financial statement under section 3 of this rule.
- (2) Required for all applicants, including initial applicants, are the following:
- (A) A legal description of the area to be served.
 - (B) A letter of approval from the:
 - (i) Indiana department of environmental management; or
 - (ii) state department of health.
 - (C) Documents to support approvals that have been obtained from the Indiana department of natural resources, if necessary.
 - (D) Plans and specifications of treatment plant and sanitary sewers.
 - (E) Area maps as outlined in the instructions of section 2 of this rule.
 - (F) A letter of acknowledgement from the owner-operator of any sanitary system within five (5) miles of the company's system that he or she is familiar with the company's interest to apply for a CTA, which should be submitted together with the signed return receipts, as well as any other correspondence from the owner-operator relating to the proposal.
 - (G) A statement of the estimated costs of the construction of the sewage disposal plant, including and separately as to the following:
 - (i) The treatment plant.
 - (ii) The collection system.
 - (iii) The pumping plant.
 - (H) As deemed appropriate by the administrative law judge, a personal guarantee and personal financial statement as described in subdivision (1)(D).
- (3) A petition for initial authority or expansion of existing territorial authority shall include an original and four (4) copies of the application and the required exhibits.
- (4) Instructions on the contents of the required exhibits for a CTA are in section 2 of this rule, and sample forms are in section 3 of this rule.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 17; filed Dec 9, 1981, 10:20 a.m.: 5 IR 21; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Sep 13, 2007, 1:58 p.m.: 20071010-IR-170070235FRA)

170 IAC 8.5-3-2 Instructions for exhibits for CTA applications

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 2. The instructions for exhibits for CTA applications are as follows:

- (1) Maps shall be as follows:
- (A) The area shall be shown on a:
 - (i) flood plain map; and
 - (ii) county map (if more than one (1) county, separate county maps);scaled at approximately one (1) inch per mile.
 - (B) The county map shall include all:
 - (i) roads;
 - (ii) highways;
 - (iii) streams;
 - (iv) section lines;
 - (v) township lines;
 - (vi) range numbers; and

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- (vii) township numbers, including township corner sections (1, 6, 30, and 36).
- (C) The:
- (i) rural areas presently being served by sewage disposal service, if any, shall be colored in green; and
 - (ii) area requested shall be colored in red.
- (D) Any sewer systems or municipal corporation limits within five (5) miles of the proposed area to be served by this petition shall be clearly shown on this map.
- (2) The rural areas shall be outlined and described, including the following:
- (A) County.
 - (B) Township.
 - (C) Sections or parts of sections.
 - (D) Range.
 - (E) Township.
- (3) If the rural area is subdivided, or planned for subdivision, there shall be maps showing this platting. These maps may be part of the plans, as requested below, showing the sewage collection mains and appurtenances.
- (4) The plans should show a layout of collection mains showing the size, manholes, the location of the disposal plant, the effluent line, and the stream receiving the effluent. A plan of the disposal plant should show the:
- (A) flow;
 - (B) major functional operations;
 - (C) stages of treatment; and
 - (D) capacity.
- A waiver may be granted by the commission upon request and with justification.
- (5) The feasibility study should include the following:
- (A) Balance sheets.
 - (B) Revenue and operating statements.
 - (C) Cash flow statements.
 - (D) The original cost of the plant if now operating as a public utility, as prescribed in the NARUC Uniform System of Accounts.
 - (E) Estimated construction costs of the new plant or additions.
 - (F) The method of financing costs.
 - (G) Pro forma revenue and expenses by year for a period of ten (10) years, including supporting details to pro forma revenues.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 18; filed Dec 9, 1981, 10:20 a.m.: 5 IR 22; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Sep 13, 2007, 1:58 p.m.: 20071010-IR-170070235FRA)

170 IAC 8.5-3-3 Sample CTA application and personal guarantee forms

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 3. (a) The application form is as follows:

STATE OF INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF _____)
FOR A CERTIFICATE OF TERRITORIAL)
AUTHORITY TO RENDER SEWAGE DISPOSAL) CAUSE NO.
SERVICE IN A RURAL AREA IN _____)
COUNTY, INDIANA.)

TO THE INDIANA UTILITY REGULATORY COMMISSION:

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Your applicant, _____ respectfully represents:

1. Applicant is a corporation organized under the laws of the State of _____, with its principal office in the City of _____, County of _____. (See Note 1) The officers executing this application are authorized to receive notices and communications from the Commission. Applicant has a charter power and authority to engage in and is engaged in operating a sewage disposal service within the rural area of the State of Indiana.

2. Applicant desires to commence rendering sewage disposal service in a rural area in _____ County in Indiana, which rural area is shown on the Map that is marked "Exhibit A" (See Note 2), is attached hereto and is hereby made a part thereof, and which rural area is more particularly described in Item 2 of the Statement which marked "Exhibit B" (See Note 2), is attached hereto and is hereby made a part hereof. Such facilities, or extension of facilities, to provide said service as will be presently constructed, and the location thereof, are described in Item 3 of said "Exhibit B".

3. Applicant represents that it has lawful power and authority to obtain a Certificate of Territorial Authority and to render the proposed sewage disposal service if it obtains a Certificate of Territorial Authority therefor, that it has the financial ability to provide the proposed sewage disposal service, that public convenience and necessity require the rendering of the proposed sewage disposal service, and that the public interest will be served by the issuance to applicant of the Certificate of Territorial Authority hereby sought.

WHEREFORE, Applicant prays that, after due notice and public hearing, the Commission shall grant this application and issue to Applicant a Certificate of Territorial Authority to commence and render a sewage disposal service in the rural area herein described, and shall grant all other proper relief.

Name of Applicant

By _____

President or
Vice-President
(See Note 3.)

(Address of Applicant)

ATTEST:

SECRETARY (See Note 3.)

(Name and address of Attorney)

STATE OF _____)
COUNTY OF _____) SS:

_____, being first duly sworn on oath deposes and says that he or she is _____ of _____, Applicant herein; that he or she has read the foregoing application and is familiar with the contents thereof; and that the statements therein contained are true to the best of his or her knowledge, information and belief.

(See Note 3.)

SUBSCRIBED and SWORN to before me this _____ day of _____, 20____.

(See Note 3.) Notary Public

My Commission expires _____

NOTES:

1. If applicant is not a corporation, appropriate changes in the application, including the signature thereto, should be made.

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2. If rural areas in more than one county are covered by the application, designate "Exhibit A-Part," etc., or "Exhibit B-Part 1," etc., as applicable.
 3. Immediately below each signature the name of the person signing shall be typed in.
- (b) The personal guarantee form is as follows:

PERSONAL GUARANTEE
APPLICANT'S EXHIBIT _____
PERSONAL GUARANTEE OF _____ *

WHEREAS, the undersigned, _____ * is the _____ * of _____, *** and
WHEREAS, he or she is also an officer of _____ ** which is the owner of all the outstanding capital stock of
_____ *** and,

WHEREAS, he or she also owns controlling interest in the outstanding stock of _____ **.

NOW THEREFORE, for the purpose of inducing the Indiana Utility Regulatory Commission to issue a Certificate of Territorial Authority to _____ ***, an Indiana corporation, authorizing it to furnish sewage treatment and disposal services in the area described in said Petition, the undersigned does hereby agree and bind himself or herself as follows, to wit:

(1) To operate and maintain the plant and property of the Petitioner, _____ *** in a satisfactory and reasonable manner so as to serve its customers with adequate service as authorized and directed by the Indiana Utility Regulatory Commission.

(2) To supply, from time to time, sufficient working capital to said Petitioner corporation if and when such capital shall be needed to carry out the guarantee herein set forth.

(3) This agreement shall be in full force and effect and binding upon the undersigned _____ * for a period beginning on the date service is first rendered or the issuance of the above described Certificate of the Indiana Utility Regulatory Commission, whichever is greater, and shall continue in full force and effect for a period of five (5) years hereafter, after which said agreement shall become null and void.

IN WITNESS WHEREOF, the said _____ * has hereunto set his or her hand and seal this _____ day of _____, 20 _____.

STATE OF INDIANA)

) SS:

COUNTY OF)

Before me, the undersigned, a Notary Public, personally appeared _____ * and acknowledged the execution of the above and foregoing guarantee for the use and purposes therein set forth this _____ day of _____, 20 _____.

Notary Public

My Commission Expires:

*Name and position of an officer of corporation making this guarantee.

**Name of organization sponsoring the development requiring sewage disposal service.

***Name of sewage disposal services corporation.

(Indiana Utility Regulatory Commission; Service for Utilities Rendering Sewage Disposal Service in Ind; Rule 19; filed Dec 9, 1981, 10:20 a.m.: 5 IR 22; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Sep 13, 2007, 1:58 p.m.: 20071010-IR-170070235FRA)

170 IAC 8.5-3-4 Interruptions of service

Authority: IC 8-1-1-3; IC 8-1-2-47; IC 8-1-2-69; IC 8-1-2-89

Affected: IC 8-1-1-3; IC 8-1-2-89

Sec. 4. Interruptions of Service. Each sewage disposal company shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of time, duration, extent and cause of the interruption. Whenever the service is intentionally interrupted for any purpose, such interruption shall, except in emergencies, be at a time during regular working hours of the company which will cause the least inconvenience to customers. Customers who will be affected by such interruption shall, to the extent practical, be notified in advance. *(Indiana Utility Regulatory Commission; Service for Utilities*